

Honorable Marsha J. Pechman

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DIANNE L. KELLEY and KENNETH  
HANSEN,

Plaintiffs,

v.

MICROSOFT CORPORATION, a  
Washington Corporation,

Defendant.

NO. C07-0475 MJP

STIPULATION AND [Proposed]  
ORDER RE: CERTAIN REQUESTS  
FOR ADMISSION

CLASS ACTION

**I. STIPULATION**

Microsoft objected to answering plaintiffs' RFA 18 only on the ground that it called for discovery into the merits of the case and not class certification issues. Microsoft objected to answering RFAs 17, 19-21, and 84-91 on that same ground, as well as on the ground that these requests were ambiguous as posed. On October 12, 2007, the Court entered an Order Granting in Part and Denying in Part Plaintiffs' Motion to Compel ("Discovery Order"). Dkt. No. 72. Following the Discovery Order, the parties have agreed as follows: (a) Microsoft need not further respond to RFAs 17-21 and 84-91 unless and until a class is certified; (b) in the event a class is certified, Microsoft shall answer RFA 18; and (c) in the event a class is certified,

STIPULATION AND ORDER RE: CERTAIN REQUESTS  
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Microsoft shall answer RFAs 17, 19-21 and 84-91 pursuant to the procedures set out in Paragraph 1 of the Discovery Order. Plaintiffs agree that RFAs 17-21 and 84-91 may be answered at such later time, and the parties stipulate to entry of the following order.

DATED this 19th day of October, 2007.

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Attorneys for Plaintiffs

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## II. ORDER

Based upon the above stipulation, the Court enters the following order:

1. Microsoft is not required to respond further to RFAs 17-21 and 84-91 unless and until a class is certified;
2. In the event a class is certified, Microsoft is required to answer RFA 18 within thirty (30) calendar days after entry of the order certifying a class;

3. In the event a class is certified, Microsoft is required to answer RFAs 17, 19-21 and 84-91 pursuant to the procedures set out in Paragraph 1 of the Court's Discovery Order (Dkt. No. 72) within thirty (30) calendar days after entry of the order certifying a class; and

4. If Plaintiffs find Microsoft's answers to RFAs 17-21 and 84-91 objectionable, they may raise the issues with the Court at a conference.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

MARSHA J. PECHMAN  
UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that on October 19, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following.

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